

**PLANNING COMMISSION MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
WEDNESDAY, SEPTEMBER 9, 2009 – 7:30 PM**

Acting Chairman Gottschall called the meeting to order at 7:31 pm.

The Pledge to the Flag was given.

PRESENT:

Kurt Gottschall, Acting Chairman
Phillip Carter
Jim Crowley
Nick Kennedy
Cory Lupinacci
William Henning

CITY CONSULTANT:

Carmine Avantini, LSL

CITY STAFF:

John R. Lipchik, Building Official

RECORDING SECRETARY:

Jennifer Garrett

ABSENT:

William Day, Chairman (unexcused)
James Maher (unexcused)
Guy York (excused)

There being a quorum, the meeting was declared in session.

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes or additions made to tonight's agenda.

APPROVAL OF MINUTES:

Planning Commission Meeting – August 3, 2009

MOTION and second by Mr. Lupinacci and Mr. Henning to approve the August 3, 2009 Regular minutes as submitted.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

Acting Chairman Gottschall stated we have one correspondence received regarding the reappointment of Mr. Crowley to the commission, and he congratulated Mr. Crowley.

CALL TO THE PUBLIC:

Recording Secretary, Jennifer Garrett, read the Rules for Public Speaking.

Acting Chairman Gottschall asked if there was anyone from the audience that would like to address the commission at this time. There being no comments from the audience, the Call to the Public was closed at 7:35 pm.

CONSENT AGENDA:

There were no items listed under the consent agenda for this meeting.

UNFINISHED BUSINESS:

There was no unfinished business listed on the agenda for tonight's meeting.

NEW BUSINESS:

WAIVER REQUEST #09-006: MARVIN POOTA, 31331 WIXOM ROAD, WIXOM, MI 48393: The applicant has received Zoning Board of Appeals approval to construct a ground sign. The approval was conditioned upon Planning Commission review and approval of the proposed sign design. The property is located at 49342 - 49438 Pontiac Trail and zoned VCA, Village Center Area. The tax parcel number is 17-31-478-006.

Mr. Avantini stated the commissioners should be in receipt of a letter dated September 3, 2009 from our office for this particular sign review. As indicated, the ZBA has granted a variance for this sign to be located there; and they had two conditions, being that they meet basically the area requirements and height requirements of the zoning ordinance. Really what we have come down to at this point is coming up with a design that is appropriate as a monument sign for the Village Center Area, something that is compatible with the types of buildings and signs approved in the past. We get into it on page two. Some of the things we were concerned about are (number one) lighting. They proposed a couple of lights at the top of the sign posts. We think it is to draw attention to it, but what we envisioned for this type of sign is to just have indirect lighting from the ground up onto the sign; and we think that would be the most appropriate way to light a sign such as this in the VCA.

Acting Chairman Gottschall asked if he was talking about a projection light from the ground, and Mr. Avantini replied yes from the ground up.

Mr. Avantini continued by saying color, design and shape is the next item we identified in here. We have received some drawings, and we have asked for some additional information. He thought the applicant had some samples tonight but said thus far we have done our best to give direction to the applicant on the types of signs we think that would be appropriate. In fact, we have a picture of them in our letter. We have given them a series of eight or ten. What they are proposing we have never really seen before so we also asked them if this is what you would like to do where have you done elsewhere. We really don't want this sign to be the guinea pig for some new design. We would like to know what exactly this sign is going to look like. They are proposing the use of metal and aluminum with white plastic lettering for the face. What we always envisioned for a free-standing sign (if there was to be one in this district) is like what we are showing, something that maybe has a masonry base or the minimum is a sand carved sign. He thinks the commissioners are probably familiar with those types of signs, and once again we do have a picture.

With that, he said he thinks what we need at this point is some direction from you, the Planning Commission; and he thinks the applicant needs some direction. Maybe what they are proposing you find as acceptable. We are thinking along a different line, but we are just recommending to you. So what we are recommending to them from our end is that they submit a revised sign package that addresses the following:

- The height of the sign must be reduced so no part of it is higher than six feet from the ground. Once again if there is a little decorative element that you think is appropriate and it goes over by a few inches or whatever that is not a big deal. The intent of the ordinance is that the overall sign area not extend above six feet in height.
- The lights at the top of the posts we think are not appropriate for this particular location.
- Samples of all materials and colors need to be provided for your review and approval. We don't think what they have proposed will contribute to the intended character of the VCA District, and we would like to see a revised sign. We would like to see one that is routed or sand carved and contains high quality masonry materials for the base. The sign should be made more compatible with the retail building's appearance and character, something that plays off on the architecture of the building would be nice.
- Finally we would like to see (whatever is approved) examples of where it has been built elsewhere so it is not a guessing game for you, and it is something that you actually feel comfortable that this is what it is going to look like.

Mr. Avantini said we have all the confidence in the world. They have done a nice job with the building, and we think we can get to the point where there is a sign that meets all the criteria. It's just in our opinion we don't think they are there yet, and that is where they need your feedback to decide whether that is the case or not.

Mr. Lipchik stated the lights that were proposed for the top of the sign were intended to be decoration only and not electrified. There is masonry at the base of the sign though the depiction may not be clear on that.

Acting Chairman Gottschall asked where the lights are, and Mr. Lipchik stated the lights are at the pinnacles on the posts.

Mr. Kennedy asked how they can not be electrical if they are lights, and Mr. Lipchik told him they are decorative lights that they are wishing to use as pinnacles on the posts.

Camil Eid, 2440 Hammer Crest, Sterling Heights, MI 48310, stated he is the sign contractor for Wixom Country Corners; and he brought some samples of the materials for the sign. The frame of the sign is going to be a square tubing, galvanized one inch by two inch. The skin is aluminum, and the posts are eight inches wide. The sign is only ten inches wide which is only going to show one inch all the way around the frame that is aluminum. The rest would be a wooden banner mounted to the sign sticking out one inch from the banner. The colors for the sign could be black and white letters or brown and white letters. As was said with the lights on the posts, there are not lights in it; it is just decoration. The lights for the sign will be a flood

light on the bottom of the sign on the ground shining on the sign three feet away to light the sign up, one on each side. He said the height of the sign is only six feet, and he guesses that is all there is.

Mr. Henning asked with the width of the sign if that is actually the sign size, and Mr. Eid told him the size is from outside the posts to the outside of the posts.

Mr. Henning said so the actual sign size is what size, and Mr. Eid replied eight feet.

Mr. Henning commented so it does meet the regulations for the 40 square feet per side. He then asked if you are using both sides of this sign, and Mr. Eid replied both sides.

When Mr. Lupinacci remarked that he didn't catch the math Mr. Henning said 8×5 is 40.

Mr. Lupinacci stated he understands but thought our computational methodology was that you were to draw a rectangle around the entire item without regard to changes in the profile. So actually then it would not, and Mr. Lipchik said that is correct.

Mr. Kennedy commented you are the sign contractor and asked if the person applying for the sign was here in case there needs to be discussion of changes.

Dave Phillips, Jets Pizza, 49402 Pontiac Trail, Wixom, MI 48393, stated Mr. Poota could not make it tonight; and basically he was here for him because he had an engagement he could not get out of. He asked if you are questioning the square footage of the sign.

Mr. Kennedy said you are looking at nine foot six which is close to 60 square feet per side.

Mr. Phillips inquired if the square footage includes the posts.

Acting Chairman Gottschall told him yes and the base as well.

Mr. Phillips said he thinks that is where the confusion came in because he spoke with Mr. Poota today about that. He did not think the posts counted as the square footage, just the actual sign.

Mr. Eid stated if we make the sign smaller he doesn't know if it will be readable after that because if we are going to count the base and the posts the sign is going to be more than 40 square feet. The sign by itself is 40 square feet, five foot high by eight foot wide. He is giving every store nine inches by four feet and fit the letters to be readable. He cannot make it smaller than that.

Mr. Avantini noted to the commission members that according to the ordinance you have the ability to grant a waiver when you determine that the sign is of a design and quality that you consider appropriate and that you are giving appropriate relief to be able to identify all of the businesses that are located in that building. He said you have that ability to grant a waiver if you determine that the design and the need for that additional space is justified. He wanted to clarify to everyone here that you do have the ability to grant that type of a waiver under the ordinance.

Mr. Crowley wanted to ask a question about the colored drawing we have here and said he is assuming the black rectangles on the bottom are going to be something that is going to be used to bring the sign up off the ground.

Mr. Eid answered no that is under the ground. It is the concrete slabs.

Acting Chairman Gottschall asked if there were any other questions for the petitioner.

Mr. Eid asked if he could speak for a moment and said if this is not going to be approved he can put the posts inside the sign and make it eight feet wide by five feet high. The design is going to change. The posts are there because it looks nicer for the design only.

Acting Chairman Gottschall stated that he thinks there are larger concerns than the posts right now so he suggested discussing those and hopefully we can give some direction on what we are going to require to make this look appropriate.

Mr. Phillips asked with the working out of how the sign is going to look if we work directly with someone and kind of throw ideas back and forth or if we just bring them to you.

Acting Chairman Gottschall replied yes and said Mr. Lipchik is a good sounding board. We will give you some direction here tonight, and you will be able to make some modifications. Then certainly you can use the administration as a sounding board, and they can probably say yes that was the intent or no it is not and make some other recommendations.

Mr. Lipchik stated just for the record we have had three meetings he believed trying to refine the sign to the point that it has come.

Acting Chairman Gottschall said he would guess you are going to have a couple more.

Mr. Lupinacci wanted to share a couple comments and said we are being asked to take action on a proposal that was changing as the meeting was getting underway. So personally he doesn't believe he has a clear understanding of what the proposal is right now. He doesn't have a clear understanding of what the lights either are or are not. He doesn't really understand the functionality or non-functionality of the lights that are referenced in the drawing. It sounds as if there is still a variety of alternatives associated with the size of the letters, the colors of the letters, the type of material, and whether or not the base would be masonry that would be comparable to the building. We don't know what it is going to look like. So in his opinion he doesn't believe this is something that is actionable at this time.

To give a little bit of history; Acting Chairman Gottschall stated he did attend the ZBA meeting where this was discussed along with Commissioner Lupinacci. He thinks the intent of the ZBA was hey you have a situation where you have a nice building that was put up and you have businesses that have moved into this building ahead of (for the most part) rerouting of the road. When the road was rerouted no longer did the cars make a right and go right by the front doors to get on the freeway and whatnot. So to give them a little bit more visibility, understanding that

ground signs are not allowed by ordinance in the VCA, they granted the exception under those circumstances. He said he went into that meeting with a pretty closed mind and didn't want it, but after listening to them talk it through he understood their intent.

Continuing, Acting Chairman Gottschall stated this is me speaking. The last thing that we want is a sign that doesn't provide the functionality. We want to have it so that those businesses are visible from the sign. He has to tell you that he for one is not at all pleased with the design. He doesn't think that it fits the character at all for the area. He thinks something more along the lines of the example that Mr. Avantini has provided, something that matches the character of the building. He said you have a wonderful recommendation. Maybe when it comes to colors you have the burgundy and the white, so on and so forth. There is probably a little bit better mixture in there than this representation. He would encourage more masonry and thinks (speaking again for himself) if it has to be a little bit bigger to give you the visual impact you need, as long as it is something that is going to be good for the site rather than detract from the concept of the VCA, he for one would be all for that; but it is not this design to him.

Mr. Henning told Mr. Gottschall he tends to mimic what he had to say, and it looks like (just by judging the plot plan that is attached) there is a large enough area. With him the actual sign square footage is not really an issue as much as it matching with the other buildings and something that looks really nice coming into the City because that's one of the first stops there. He tends to mimic there is the area for it. He would say we wouldn't want to get too much larger than what the recommendation was, but he would like to see more brick on it and something that really fits the character of the building and also the downtown area.

Mr. Kennedy offered that he would like to see some of the landscaping that they might want to put around this sign or whatever they get to dress it up. He asked when the building was built and when they moved the street and whether it was at the same time or what.

Mr. Lipchik stated the building was up long before the road moved.

Mr. Avantini said he thought they also changed the turn movements at the intersection later on.

Mr. Kennedy stated we read this in the ZBA minutes. This is a hardship, and we need to work with them to get this worked out. For himself, with the drawing we have here he is not wild about what they have. It really doesn't show anything. We need to help them out so we need to see something a little bit more complete.

With landscaping, Mr. Lipchik commented that any time we look at signs landscaping is never a consideration. We are judging the sign on the sign, not on landscaping around the sign.

Mr. Kennedy indicated he was saying he would be a little bit more towards having them even having a sign that is larger if it was done nicely here. They have a large piece of property at the corner there, and he understands that they are trying to do something for their business. So he himself wants something matched up with the VCA. We need to help them. He would be more tolerant if he saw something with some landscaping on it too.

Mr. Lipchik commented that you are looking at two different functions.

Mr. Kennedy said he knows, but they could loop them together and bring something back. He just wanted to ask them.

Mr. Lipchik indicated he would hate to make that a requirement of the sign, and Mr. Kennedy said no.

Acting Chairman Gottschall remarked that it would be something that would give us more of an idea of the overall concept; that is all, not a requirement.

Mr. Avantini stated also in terms of our recommendation we would be willing to support larger sign area to make the letters readable so the businesses are getting the exposure with the appropriate design. We are not sign designers nor do we want to be. We have images of other signs that we think meet the intent. We presented them with a series of things we thought would be appropriate. We just didn't get back what was in line with what we thought would fit, so similar to the one photograph we have in our review letter. He told the commissioners if the feedback from you is that that is the right direction then they are going to have to go back to the drawing board if that is your desire and work with us to get it to the point where we can recommend approval to you.

Mr. Lupinacci stated he just had two comments. He would like for purposes of the minutes to respond to the hardship comment that was offered by Commissioner Kennedy. He is sorry. This is just something which has gotten too much airtime and too much false play. Yes, the building was built before the routing of the road; but according to members of the City Council that he spoke with, the change of the road routing was well known before the building was constructed. So this is something that was known. The building was built, and now people are coming back to us and claiming hardship. So even though there is an interest in helping the businesses he thinks it is a misstatement to say that this is something that is a hardship that was placed upon this owner by the City. This is something that was known, so that is one point.

Mr. Lupinacci said the other thing is he is not really interested in entertaining larger sign size. We do have standards within the VCA, and these are standards that are well thought out. They are listed in terms of what an allowable sign size should be, so he doesn't think we should be so quick to say let's make the sign bigger. He thinks we have standards that we should stick with, and that is 40 square feet per side.

Mr. Avantini wanted to clarify that first of all the issue of hardship was already dealt with by the ZBA. That is their role and their function. So whether we agree with that or not, that is the decision they made. His comment on the larger sign area (and you can decide whether you want that or not) was more based on there being standards for letter size from a distance with vehicles passing by where they can actually read them appropriately. If they are not of an appropriate size you can actually create an unsafe driving situation because then people are then looking harder to see what is there rather than paying attention to the road.

Mr. Lupinacci said he agreed with him, and Mr. Avantini stated that is where his comments come from.

Mr. Lupinacci went on to say he agrees with Mr. Avantini, but he thinks if you look at the proposed sign design look at the percentage of space that is taken up by Wixom Country Corners which actually doesn't add any value in terms of identifying what the resident stores are. If you want to take and increase the sign visibility relative to who the occupying stores are get rid of Wixom Country Corners. There are ways around this without saying we give up; make it bigger.

Mr. Lipchik commented if you look at multiple signs in other districts you will note that you will see something very similar to the Wixom Country Corners on the sign because that is going to grab your eye. You may not be able to know that Jet's Pizza is standing out looking at you, but you will see Wixom Country Corners. So he doesn't think that doesn't have value, and that is just his opinion.

Acting Chairman Gottschall asked if he was talking about the banner across the top, and Mr. Lipchik replied yes.

Mr. Crowley said he disagrees with Commissioner Lupinacci. He actually thinks as well that the title across the top is important whether it is giving directions to folks that are trying to find what plaza something might be located in. To him, what his biggest concern was when reading the material and the description, when he starts reading things like skins and vinyl and aluminum and stuff he doesn't get a warm fuzzy feeling. He likes the consultant's recommendation, a lot of routed wood/sandstone like that. If you look at the older towns (Northville, Chelsea and areas like that) they have relatively large signs in those communities, but they look very nice and add to the character of the community. If done right he thinks the sign could add to the character of the community, so he doesn't have a problem there making it a little larger if it actually looked like it belonged and actually enhanced the old feel of the downtown.

Mr. Crowley stated the only other comment and again he guesses it doesn't belong, but he thought about the landscaping as well; and he prays that if we do a nice sign like this that we can use soaker hoses or something if there is greenery there because the last thing he wants to see is another one of these signs with rust marks spraying back and forth across it.

Acting Chairman Gottschall asked if there were any other comments regarding this case.

MOTION and second by Mr. Lupinacci and Mr. Kennedy to table action for the time being on the VCA waiver requested by Marvin Poota for Case #09-006, Country Corners ground sign, for reasons previously stated; that is the need to have greater clarification as to the plan, the materials, sign size and other items listed in the LSL letter dated September 3, 2009.

VOTE:

MOTION CARRIED

SITE PLAN EXTENSION REQUEST - SPR #30-906-06: DAMAS RETAIL CENTER, 28345 BECK ROAD, SUITE 200, WIXOM, MI 48393: The applicant is seeking an extension to the approval for the construction of a 16,600 square foot multi-tenant building. The property

is located at 1995 Wixom Road and zoned B-2, Community Business. The tax parcel number is 17-30-200-007.

Mr. Avantini commented the commissioners have a letter date August 31, 2009; and we have always called it the Wixom Retail Center. He said, as you may recall, they purchased Red Oaks Bar and demolished it with the intent of developing this center. We worked with them for some time on the application before it came to you. It was ultimately approved, and they are requesting another extension.

Continuing, Mr. Avantini stated obviously we are looking at a couple of key things with any extension request. Number one, what is the difference between what was required under the old ordinance and what is required under the new ordinance and is it a significant difference? Number two, what are the circumstances leading up to that?

Mr. Avantini indicated the issue of circumstances leading to the request at least in our mind is very clear and obvious. We are seeing this in pretty much every community we work in. There is no financing out there right now; it is just the nature of the beast. People are not signing leases for the same reason, so it becomes difficult to get any tenants in and get any financing in. He has friends who are developers, and we are hearing this from attorneys and developers in other communities; and it just across the board. In the past probably on any request such as this he would have taken a stronger stand and asked why haven't you gotten going, but he thinks the reasons for that are self-evident here. You can't; it doesn't matter. Unless you have the ability to fund the entire project yourself without any form of lending and you are somehow able to get some leases or are willing to do it without leases, you are just not building these days. He thinks to that end of it they have in our mind a valid reason for requesting an extension. They haven't been just dragging their feet on the project.

Mr. Avantini stated the other issue is the main differences are between the old ordinance and the new ordinance. We looked hard at that, and we really came up with two things. The first one is the side yard setback to the south, and this was something you were aware of when we went through the review initially. There is a 20-foot setback required between a residential district and the parking in the side yard, and they had 15 feet. That was something we discussed at length with you, and there were landscaping improvements to help cover that.

He said the other one which is really the bigger issue was the parking requirements. What we did in the new ordinance is we scaled way back on the number of required parking spaces; and we actually capped the number of spaces without planning commission approval that you could go over that number. In this particular case what we think drives the justification for the additional spaces they asked for in the original approval is the fact that it is an odd shaped lot. It is long and narrow, and there is not a lot of frontage on Wixom Road. So what they have encountered is they have two anchors on each end of the building, and they needed to be able to provide enough parking for those anchor occupants to be able to draw someone in there and attract them and have enough convenient parking in close location to that. So it is kind of an odd layout where it becomes difficult for them to meet the parking requirements of the new ordinance with this type of a layout.

Mr. Avantini indicated those are really the biggest differences. So with that being said, he just wanted to be sure the commissioners were clear with what the differences are. We don't think that these two issues, these two items, are great enough to warrant having them go back through the review process, the costs, the time, the expense of going through the review process. We think the originally approved plan is a good plan, and we would recommend therefore that you approve an additional extension for the reasons already stated. If we saw what we considered to be major policy or design type differences between the two ordinances it would substantially change the looks of this center, and we wouldn't be recommending the extension; but because we don't think there will be a major change between the two we are recommending that you approve the extension.

Mr. Lupinacci had just one question for the standpoint of clarification on the parking issue. He asked if it is his understanding then that we are not changing the site plan in any way and the plan when it does go forward would still have the 149 spaces originally approved and would not be reduced to something lower than that like 112.

Mr. Avantini told him correct. It would be the plan that was originally approved by this board a few years back.

Mr. Lupinacci said okay so then our approval in 2006 would satisfy the requirement if anyone was to ask if the planning commission approved amounts in excess of 20% over the 93 that would be mandated.

Mr. Avantini explained that what happened actually was that it met the ordinance requirements under the old ordinance. With the new ordinance we pulled back on the number of parking not only that is required but is allowed, so it was a real philosophical change in direction. If they came forward with this plan and you said we see a reason for it you could approve the 149 on the new plan. You have the ability to approve it. We just set the standards in such a way that we set the bar low and require people to now prove why they need to have more. Even if they started from scratch you might still approve the same number.

Mr. Kennedy inquired if he said they already have two anchor tenants.

Mr. Avantini replied no and explained that in the center the two ends of the building were intended for what they call anchor tenants which are the primary ones that are going to create the draw that makes all the smaller businesses in between.

Mr. Kennedy indicated he understands what an anchor tenant is, but they don't have any tenants.

Mr. Avantini stated he doesn't know what there tenancy us at this point.

Acting Chairman Gottschall asked how many times this has been renewed, and Mr. Avantini responded that this would be your second extension.

Mr. Henning questioned if this extension would be for a period of one year, and Mr. Avantini replied one year.

Mr. Henning indicated the only concern he would have is he knows the economic times are poor right now, but they submitted a plan basically in July 2006. This is going on actually three years now, and if we add another year we are up to the four year time frame. He just doesn't understand if there is really intent by them to actually build anything other than just lock it in with the approvals we have right now.

Mr. Avantini said his understanding is and he doesn't know if it is related or not but he thinks they even have a liquor license for this site. There is a built-in incentive there for them to want to develop this property as soon as possible. He guesses the point is we asked the same question too. Once again if this was a normal economy that would be an extremely important point and a valid question, and we would probably be saying go back through. The challenging thing too is he thinks we pushed pretty hard on them and spent a long time working with them and their architect. He thinks we pushed to the point where it is a quality development, and even if they came back through the process again he doesn't know that it would be all that different than what you have gotten. You as a planning commission had comments that were incorporated into the plan too, things you wanted. So once again when you look at it practically if you didn't give them the extension what would you get out of it? He doesn't think you would get much more than what you have already.

Acting Chairman Gottschall asked if we did not have a similar discussion here within the past year about the length of extensions that we were granting.

Mr. Avantini answered yes we did, and he thinks even if you go to the minutes from the last meeting on this project we expressed some concerns over it. Like he said, if it were not for the unusual economic conditions that are everywhere he thinks we would probably have a different approach to this request; but under the circumstances we don't know how long we are going to be in this recession.

Mr. Kennedy said he would like to know what kind of costs are involved when they have to reapply and asked if it is just the \$400 application fee.

Mr. Lipchik stated a site plan that comes before you for let's say a single industrial building can run anywhere between \$5,000 and \$12,000. Now if you look at a strip mall such as this, because of the way architects treat higher end uses, you would be looking at \$10,000 plus whatever the revisions and meetings would wind up costing. So we are not talking about \$400.00.

Mr. Henning asked if Damas has any other developments in the area.

Mr. Avantini replied yes, they have the Beck Business Center which is probably the one you are most familiar with.

Mr. Lipchik added that the four-story office building is one of them. They also have various properties in Canton, Green Oak and other states also.

Dino Damas, 28345 Beck Road, Suite 100, Wixom, MI 48393, stated we are requesting an extension for one more year.

Mr. Lupinacci stated references were made to the liquor license being already arranged for this site. He thought he had read something about the liquor license being relocated to another business.

Bill Damavoletes stated that is correct. With the license he was told if we do not use it within a certain time the State will request it back. So we are asking to transfer it to Beck Business Center for the time-being until we get started on the shopping center we are planning to do.

Mr. Lipchik asked Mr. Damavoletes if he could let the commissioners know what the liquor license cost.

Mr. Damavoletes replied we paid \$80,000.

Mr. Lipchik stated and if the license isn't used at a certain point or moved to another location it goes back to the State, and his money no longer exists.

Acting Chairman Gottschall asked how he does that if it goes to another location, and Mr. Lipchik told him if he transfers it the State will not force it to be rescinded.

Acting Chairman Gottschall questioned if then he has the ability to transfer it back at some point, and Mr. Lipchik replied yes.

Mr. Kennedy stated it is like you said. We had a conversation before about granting extensions, and he is not wild about granting extensions but kind of feels we have to do that in this situation. We didn't see the buildings designs last time, but it is a different time right now. He just feels bad about the whole thing here.

MOTION and second by Mr. Lupinacci and Mr. Henning to approve the one year site plan extension being requested by Damas Construction for SPR #30-906-06 for the Damas Retail Center located at 1995 Wixom Road and the one year extension being conditioned upon the applicant meeting all the conditions of approval of the original site plan.

VOTE:

MOTION CARRIED

SITE PLAN EXTENSION REQUEST – SPR #07-932-08: ST. CATHERINE OF SIENA ACADEMY, ST. CATHERINE OF SIENA FOUNDATION, PO BOX 398, HAMBURG, MI 48139:

The applicant is seeking a site plan extension to construct a private girl's high school for approximately 750 students and 60 staff including a convent for approximately 10 residents along with construction of athletic fields. The property is located along the east side of Napier Road between Grand River and Twelve Mile Road and is zoned RC-1/PD, Multiple Family Residential/Planned Development. The tax parcel numbers are 22-07-351-013 and 018.

Mr. Avantini stated we didn't do a formal review on this request. This was developed as a planned unit development and in all likelihood under the current ordinance would be developed

exactly the same way under a planned unit development. So he thinks the real issue here would be as on the previous plan what the conditions are that have led to the applicant requesting an extension on this. He thinks in this particular case it is probably best to hear from the representative to better explain the circumstances that have led to the delay.

Greg Chrysler, 8377 Woodspur, Commerce, MI, stated he was representing St. Catherine's of Siena Foundation and is the owner's representative for the project. Again, unfortunately we all seem to say the same thing; that it was due to the economy. We actually had bid packs for this project and winning awards for the site work when the funding arm we had just went south. Currently we put bonds out yesterday for sale, and the pulse of the market seems to be acceptable for us to issue; and we should know by the beginning of week how that is going to fare. Our finance group is selling the bonds for us, and it looks very promising. At this particular point in time everything is a go. We reassembled the team, introduced ourselves to one another again, pulled out and dusted the plans and said let's go; and that is pretty much where we're at right now. Our target as we speak is still to open next school year. We need the extension to keep this viable project as we currently have it planned.

MOTION and second by Mr. Carter and Mr. Lupinacci to approve the site plan extension request SPR #07-932-08, St. Catherine of Siena Academy for one year as proposed.

VOTE:

MOTION CARRIED

CALL TO THE PUBLIC:

Richard Walter, 50204 Dennis Court, Wixom, MI 48393, stated he is a sign expert and started out by checking some of the minutes from the Zoning Board of Appeals and of course got very angry. He said "I told you so, I told you so, I told you so. I told you when you were putting this VCA stuff together that you were doing it without benefit of the thought process."

When Mr. Lupinacci said excuse me sir Mr. Walter stated he was being interrupted; that is enough.

Acting Chairman Gottschall called time out; and Mr. Lupinacci explained he was going to ask, since he doesn't know the background and doesn't know what he is speaking about, it would be helpful if he could explain that so he could appreciate what he is saying.

Mr. Walter stated I told you, when I approached this commission when you were putting together the VCA sign ordinance, that you were doing it without benefit of the thought process. You did not at any time look at the state of the industry of signage. You didn't first of all pay attention to the basic needs of signage as speech and speech rights. Thank God Mr. Avantini is smart enough to point out that there are certain bits of signs required to provide visual impact or visual identification, visual effect that you need to have to minimum size of letters for distances, speed of roads. You guys also ignored the fact that 90 years of the Federal Highway Administration's manual on uniform traffic control devices has shown that no sign shall be less than 7.5 feet from the ground. The ground sign is the whole stupid issue. That is not the point here.

Mr. Walter went on to say he saw this stuff and got very angry about it, and the bottom line is this. The State of Michigan has got enabling acts. These enabling acts give you police powers. Police powers are still governed by the State of Michigan. When the Zoning Board of Appeals issues a variance it is done. How this Zoning Board of Appeals put on its variance something as ridiculous as your approval of this sign design. As he told Mr. Lipchik and told him and told him, that means you guys are going to have this sliding bar that no one is ever going to reach. Your discussion tonight showed that none of you have any idea. You gave them no guidance, and you cannot give them guidance.

Mr. Walter said the bottom line is that the variance was 40 square feet 6 feet high. You don't like the looks of the sign. He said "Guess what? I don't either." When he saw it the first thing out of his mind was no, it doesn't fit the building. But you know what? It is their sign. He is not building it; he is not designing it. This is a committee. You know the old joke about designing a horse and what happens when you use a committee.

Continuing, Mr. Walter stated here is the other thing and suggested going to talk to their lawyers about what he was about to tell them. They will tell you that guy is blowing smoke. Then you will ask is he? Maybe he does, but under Title 42 of the United States Code in subchapter 21 it is quite simple. The longer you drag on denying these people their speech rights the closer you come to being guilty of conspiracy to violate their civil rights which pierces your veil. So you know it is really simple. They got the 40 square feet. He doesn't like the look of the sign. You don't like the look of the sign, and you guys go on and on about all different kinds of warm feeling material. Good God. There are 827,241 details the guy has to pay attention to when he is trying to develop a piece of property. Of course, the number one thing he is worried about is the over costs and all the other issues; and come back later as a Monday morning armchair quarterback and say "Well, you knew that was going to happen." That is a criminally arrogant statement, and he absolutely is just not happy.

Mr. Walter said he didn't know if you noticed it by his tone. He is not happy, and you know what? He is actually trying to help you guys make a simple decision and be done with it. They got the 40 square feet. They got their 6 foot height. We have issues about how you want to measure signs, and you know what? When you guys figure out how to change the laws of physics and geometry so you can look at both sides of the sign at the same time he knows there is going to be an episode of Dr. Who that they are going to want you to star in. 40 square feet is 40 square feet. There is no such thing as 80 square foot and divide it in two.

Mr. Walter further stated you know what? My taxes come up here in the City of Wixom and they say they are two dollars. He is going to come in and give them a dollar bill. Why? Because it says one dollar on one side and one dollar on the other side and that is the way you guys think. That is the way he should pay his taxes. It is 40 square feet. You are right it is not the best looking sign in the world, but it is their sign and is what they are working with based upon what you are giving them; and what you are giving them totally ignores what we have spent hundreds of years putting together - information for you guys to use. He offered this back then. There is a book, a signage store book that has everything you need to know about. This is information that is available to you planning commission guys. For you it is free but for him he has to pay like \$40 for it, but this is stuff you should have been using and you didn't use and now

how can you sit there and honestly look at these people and say I am giving you guidance when you have six minds here. He said I told you this before when you guys adopted this attitude that you looked at a sign and therefore you are experts on it. That is not the way it works. He concluded his comments with anyway, I told you so.

Acting Chairman Gottschall said he was happy to hear that he does agree on one thing, and that is that the sign doesn't fit. We agree to disagree on a bunch of it, and we will agree on that.

Mr. Walter asked if we could go off record here, and Acting Chairman Gottschall replied no we cannot.

Mr. Walter stated multiple tenant signs mostly don't work, especially when they are small like that. When you point out the fact of the danger going on about the signs being distractions and distractions being dangerous, the facts are that when the signs are too small and the lettering is too small it is too difficult. Therefore, you have the inability for people. He said you guys do this everyday, especially since most of you are getting to be older farts. You need glasses and are not seeing signs as well as you did when you were 18. So what is happening is that you need to have the color contrasts, the bright letter and all these things. It is hard to accomplish when you have this little space. The fact is when you have this much space and one says Jet's Pizza, but when it says Performance Whatnot you are not going to get the same size lettering. Now you get into the issue about how that affects speech and all of that. That is not the point here. The point is that you need minimum sizes not maximum sizes. The thing is when you are right down to it the only people who really see the names on a multi-tenant sign is the guy that owns the business. He sees his name up there every day.

Mr. Kennedy asked why he didn't come up at the very beginning of the meeting and help us out with that.

Mr. Walter replied because he wasn't sure what you guys were going to say and didn't want to go off saying stuff.

Mr. Kennedy said he was sure we would have appreciated it. He doesn't think anyone here is an expert in signs, but to get that would be a benefit to everyone here.

Mr. Walter said you know what? The terrible thing is that you guys are experts on signage. It's just that for some reason or another you get behind these desks in all the committees and you start to forget. He asked if I tell you to go to a strange city and look for a bank, will you be able to find it? You know when someone says look for a bank that you are going to be in a strange place and are going to be looking for certain things like something about the architecture of the building, the colors of the building, the landscaping and so on and so forth. In fact when he just said go to a strange city you went to a strange city but when he said to you to find a bank you found a bank. This is how the human brain works. When you guys are driving down the street every day of the week you don't see signs because you are driving a car. For us at our age we have usually reached the level of unconscious competence. You just know what you are doing. You are driving that car, eating McDonald's and doing that without endangering other people; and you are getting from point A to point B. In that example he gave, if he sent you to that

strange city and asked you to find a bank you would again not see all the signs because the human brain is so fantastic and so wonderful that it completely ignores tens and thousands and millions of input to only narrow in and focus on the one task we have in mind.

Mr. Walter indicated so therefore in some respect you are experts on signage because you know that you need signs to find businesses. You know that you need those signs to communicate to you ideas about those businesses and about why they even exist. They also communicate too perhaps the quality of the business, the quality of the character and the people behind him. Now these are the things that you should think about when you put together a sign ordinance, not whether or not it is pretty or this is high end materials versus that because we really don't know. It goes to what he told you sometime ago about everyone has this idea of signage when they think of It Is a Wonderful Life and Jimmy Stewart is running around. You all remember that but if you watch the movie you will see that there are a lot of flashing signs and neon signs even when it wasn't Potterville.

STAFF COMMENTS:

Mr. Lipchik welcomed Mr. Crowley back to the commission, and he also congratulated Mr. York on becoming a grandfather once again this evening.

COMMISSION COMMENTS:

Mr. Lupinacci noted for the minutes that the establishment of the zoning ordinance was done in a very organized way, calling into play experts and consultants; and it was concluded with public hearings at which people of the public were invited to come and give their input, and their reactions. If someone had strong feelings about any particular elements of the zoning ordinance they certainly had the opportunity to present them at that time.

Acting Chairman Gottschall commented that he exercised that opportunity.

Mr. Avantini added an editorial comment too that we are the dark empire but we are not the folks who are now turning TV screens into signs. That is the big thing. Let's run movies on it, and that is real safe for people to be looking at while they are driving.

Mr. Kennedy said he would like to apologize to his fellow commissioners because he wanted to hear what he had to say. He found it interesting and was interested in hearing what he had to say.

Mr. Lupinacci also wanted to offer an apology. He asked him what he was talking about because quite honestly he had no clue what he was talking about because he initiated his comments in such an angry and loud and emotional way. He had no idea what he was talking about so his only reason for asking him for that one element of clarification was because he thought he was clearly in a highly emotional state, but he had no idea what he was talking about so that was his reason for clarification.

Mr. Lipchik asked if he had ever seen this gentleman before and stated he has very good valid points. Sometimes he does tend to get excited, but if you have seen him in the past you would understand his passion.

Mr. Crowley said speaking of his points the one he thinks that was kind of in the back of his mind too was he might tend to agree with him in the limited value of those multi-tenant signs. That is kind of why he said he wants this to be a piece of architecture because he doesn't think it is going to help his tenants.

Acting Chairman Gottschall indicated while we're clearing the air when the ZBA met to take this issue up about a month ago we were encouraged to go, and he recommended that to those who wanted to go to go listen and speak their mind. He believes he was encouraged by our planning consultant that we were to do so. He remarked that it was quite a surprise to have the chairman of the ZBA pull out a letter from LSL saying LSL says it is a good idea to have a ground sign. He did not expect that. That might have been a little tidbit that maybe should have come out in discussion. He doesn't know if it can come out in discussion ahead of time when we were taking this up and talking about it, but he just kind of took the gun out and shot himself in the foot at that point.

Mr. Avantini said well let's just say (and he thinks what ended up happening there is) he thinks the letter was finally crafted after the planning commission meeting. That is an issue that if it had been at the forefront he thinks he would have brought it to the commissioners. Believe me, internally we went back and forth. We looked at the criteria. He thinks we even talked to the attorney. He thinks what we finally came up with just in terms of our recommendation because we are generally not in favor of variances but what we looked at and actually we had proposed at one point that they consider maybe making this a public sign location as an entryway type sign and that we also look at another location entering into there because at least in our opinion we do think (whether you agree with the traffic counts or not) they have changed dramatically for those businesses in there. He agrees he doesn't think those signs are going to be that noticeable, but Country Corners will be. We actually thought to have some sort of joint sign that says you are entering downtown, and something to that effect would have had more impact. They didn't want to go in that direction so he guesses our opinion was that we think there was a practical difficulty. There was a reason why we thought a freestanding sign there was appropriate. Now how that gets implemented, and believe me this was not an easy recommendation for us. We went back and forth. The point is he can remember us going back and forth on the letter like right before it had to go out, so his guess in his limited memory he would have brought this up and informed you about it.

Acting Chairman Gottschall indicated he even suggested during the ZBA meeting that maybe a compromise would be like a way-finding sign that would give them more visibility than this sign sitting on their property.

Mr. Crowley commented those types of multi signs he thinks people do read right off the freeway, but we would need another one then where it splits.

Mr. Avantini stated that was one of the other things that we talked about too and the whole sign issue. He is familiar with the highway signs because the state controls it very tightly in terms of how you can get that done. There are a lot of interchanges where they don't allow you to have those directional signs for some unknown reason, but it is a lot more complicated to implement it

than you might think on its surface. He knows because he has dealt with that in other communities, but those discussions were also all taking place. Finally in the end our approach was we thought there was a practical difficulty that could be justified, but frankly from day one we questioned how effective this sign is. In his opinion he doesn't think it is going to do that much good, and if they want to spend the money and put the sign in it has to look good. Whether it is effective or not is not our problem. That is the whole free speech that he was talking about; we can't deal with that. The only thing we can deal with is how the sign looks, if it is appropriate; and then we move forward; but definitely had that been at the forefront of our discussion and he known that was coming up when it was he certainly would have brought it to you.

ADJOURNMENT:

This meeting of the Wixom Planning Commission was adjourned on motion and second by Mr. Lupinacci and Mr. Kennedy at 8:50 pm.

Jennifer Garrett
Recording Secretary
September 14, 2009